

GREEN SHEET REDIGEST

HB 186

2015 Regular Session

Montoucet

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

HEALTH/CANCER. Provides for notification to patients concerning supplemental breast cancer screening and access by patients to mammography and ultrasound reports

DIGEST

Present law relative to access to mammograms provides that any person who may legally perform a mammography in this state may perform a screening mammography without the direction to do so by prescription of a licensed practitioner. Provides for notification to patients of results of screening mammograms.

Proposed law retains present law, and adds thereto a requirement that, in addition to any letters or reports to patients pursuant to screening mammograms as may be required by federal law, the following notice be transmitted to all patients pursuant to such procedures, regardless of whether the procedure was directed by prescription or performed pursuant to self-referral:

"If your mammogram demonstrates that you have dense breast tissue, which could hide abnormalities, and you have other risk factors for breast cancer that have been identified, you might benefit from supplemental screening tests that may be suggested by your ordering physician.

Dense breast tissue, in and of itself, is a relatively common condition. Therefore, this information is not provided to cause undue concern, but rather to raise your awareness and to promote discussion with your physician regarding the presence of other risk factors, in addition to dense breast tissue.

A summary of your mammography results will be sent to you, and a full mammography report will be sent to your physician and also to you, if you indicated to the mammography provider that you requested the full report. You should contact your physician if you have any questions or concerns regarding your summary or report of results."

Proposed law provides that the notification concerning supplemental screening required by proposed law may be transmitted by either regular mail or certified mail via the U.S. Postal Service, or by any other commercial mail delivery service.

Proposed law provides that compliance with proposed law and present law does not create a cause of action or create a standard of care, obligation, or duty that provides a basis for a cause of action.

Proposed law requires each mammography facility and every healthcare facility that performs breast ultrasound examinations to transmit to each patient the following:

- (1) A copy of the patient's mammography report issued by the facility to the patient's referring physician.
- (2) A copy of the patient's full narrative radiology report of ultrasound findings.

Proposed law provides each healthcare facility subject to the requirements of the proposed law shall transmit the mammography and ultrasound reports specified in the proposed law to patients within the time frame prescribed in 21 CFR 900.12(c) for communication of mammography results to healthcare providers.

Proposed law provides a healthcare facility subject to the requirements of the proposed law may transmit mammography and ultrasound reports to patients in any manner that comports with the provisions of 42 CFR Part 164 relative to security and privacy of health information

Proposed law provides that in addition for mammography and ultrasound reports to patients in accordance with proposed law, healthcare facilities may provide such reports electronically through electronic patient portals that meet applicable federal standards.

Proposed law provides a legislative declaration indicating that early detection of breast cancer saves lives, and that facilitating early detection of all forms of cancer is a public health priority of this state.

Proposed law shall be known as the "Monica Landry Helo Early Detection Act".

Effective Jan. 1, 2016.

(Amends R.S. 40:1300.182 and 1300.183; Adds R.S. 40:1300.182.1 and 1300.182.2)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Specify that the notification concerning supplemental screening required by proposed law shall be transmitted to patients pursuant to any screening mammogram or breast ultrasound examination, regardless of whether the procedure was directed by prescription or performed pursuant to self-referral by a patient.
2. Provide that the notification concerning supplemental screening required by proposed law may be transmitted by either regular mail or certified mail via the U.S. Postal Service, or by any other commercial mail delivery service.
3. Delete proposed law providing that the information concerning supplemental screening required by proposed law or evidence that a person violated the provisions of proposed law is not admissible in a civil, judicial, or administrative proceeding.
4. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Delete proposed law authorizing breast ultrasound examinations as procedures which may be performed without direction to do so by prescription of a licensed practitioner.
2. Delete the requirement that the notification concerning supplemental screening provided for in proposed law be transmitted to patients pursuant to breast ultrasound examinations.
3. Add the following language to the notification concerning supplemental screening provided for in proposed law:

"A summary of your mammography results will be sent to you, and a full mammography report will be sent to your physician and also to you, if you indicated to the mammography provider that you requested the full report. You should contact your physician if you have any questions or concerns regarding your summary or report of results."

4. Add a requirement that each mammography facility and every healthcare facility that performs breast ultrasound examinations establish and provide to each patient a form on which the patient may easily elect to receive either of the following:
 - (a) A copy of the patient's mammography report issued by the facility to the patient's referring physician.
 - (b) A copy of the patient's full narrative radiology report of ultrasound findings.
5. Provide that the mammography and ultrasound reports which patients may elect to receive pursuant to proposed law may be transmitted by either regular mail or certified mail via the U.S. Postal Service, or by any other commercial mail delivery service.
6. Provide that in addition to facilitating provision of mammography and ultrasound reports to patients in accordance with proposed law, healthcare facilities may provide such reports electronically through electronic patient portals that meet applicable federal standards.
7. Make technical changes.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the reengrossed bill

1. Requires healthcare facilities to transmit mammography and ultrasound reports to patients instead of offering the option of receiving such reports by the patient.
2. Changes the provision as to the transmittal of mammography and ultrasounds reports by the healthcare facility to the patient and requires the healthcare facility transmit such reports in the time frame and in a manner required by federal law and rules.